

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Oleg Iliich Epshtein
Title of Invention	:	Media and method for treating pathological syndrome
Date Filed	:	January 22, 2005
Serial No.	:	10/522,652
Examiner	:	WEN, Sharon X
Art Unit	:	1644
Confirmation No.	:	8482

DECLARATION UNDER 37 CFR 1.132

I, O. I. Epshtein, Dr. Sc, do hereby declare as follows:

1. My name is Dr. Oleg I. Epstein (aka Epshtein). I am a widely recognized scientist in the fields of pharmacology and physiology. I authored over 100 articles in the peer-reviewed journals.
2. The company I lead, Materia Medica Holdings, successfully sells the product covered by the above-identified application 10/522,652. I am the inventor of the '652 application.
3. I reviewed all references cited by the Examiner in the final Office Action mailed on May 1, 2008, namely, U.S. Patent No. 7,087,726 to Chuntharapai et al. ("*Chuntharapai*") and U.S. Patent No. 5,683,712 to Cavazza ("*Cavazza*").
4. It is my understanding that the Examiner argued that one skilled in the art would have a reason to apply the technology of *Cavazza* to the antibodies of *Chuntharapai* with reasonable expectation of success with respect to treatment of diseases of viral etiology. In particular, it is my understanding that it is the Examiner's position once the homeopathic dilution methodology is known, one skilled in the art would expect that such treatment will be successful.
5. It is my opinion that at the time of the filing of the '652 application one skilled in the art would not expect that the homeopathic technology will achieve treatment objectives without significant experimentation. In particular, it is my opinion one skilled in the art would not expect that antibodies to interferon produced via homeopathic technology will have efficacy without suppressing interferon.

All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment; or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of any patent application issuing thereon.

Dated: October 28, 2008

A handwritten signature in dark ink, consisting of a stylized, cursive letter 'L' or 'J' with a horizontal stroke extending to the right.